IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4422 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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BISHOP PAUL CHAUHAN RESUME

Versus

E P BHAGAT

Appearance:

1. Special Civil Application No. 4422 of 1995

Mr.Prajapti for MR MC BHATT for Petitioner No. 1

MR BS PATEL for Respondent No. 1-2

Ms Makwana for MR KM PARIKH for Respondent No. 1-3

MR JV BHAIRAVIA for Respondent No. 3

Mr HC Patel, Ld. AGP for Respondent No. 4

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 14/08/2002

ORAL JUDGEMENT

1. The present petition is preferred by the petitioners against the order dated 22-5-1995 passed by the Jt. Charity Commissioner, Baroda below stay application in Judicial Misc. Application No.26/1995, copy whereof is produced at Annexure "F" on page 45 of the petition.

2. Heard Mr.Prajapati, learned Counsel for the petitioners, Ms.Makwana, learned Counsel for respondents No.1 and 3 and Mr.H.C.Patel, learned AGP for respondent No.4.

3. When the aforesaid petition was heard for admission interim stay was granted to the effect that the order passed in SCA No.4421/1995 shall operate in this petition and it was further ordered that the appointment of the principal and the teachers shall not be made by either of the parties till then. It was also ordered that the charge of the principal shall remain with the next senior most teacher in the institution till the returnable date. Thereafter, this petition was admitted on 11-5-1999 and Mr.Prajapti for the petitioners submits that the ad-interim order is not vacated at the time when the petition was admitted.

4. The perusal of the record of the present case shows that the subject matter of the petition is an interim order passed by the Jt. Charity Commissioner in the Judicial Misc. Application No.26/1995 and, therefore, the final order is yet to be passed in Judicial Misc. Application No.26/1995. Neither Mr.Prajapati, nor Mr.H.C.Patel is able to show whether any final order is passed in the said matter or not. However, Mr.Prajapati for the petitioner states that as per his information, the said matter is still pending. In view of the above, I find that the following directions would meet with the ends of justice.

4.1 The Jt. Charity Commissioner, Baroda shall take up the hearing of the Judicial Misc. Application No.26/1995 on merits and shall decide the same within a period of three months from the date of receipt of the order of this Court.

4.2 Until the Jt. Charity Commissioner decides the matter as indicated earlier, the interim order passed by this Court shall continue to remain in operation.

5. This petition is disposed of in terms of the aforesaid directions. Rule is made absolute accordingly.

14-8-2002 (Jayant Patel, J.)

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